

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Rothery on 4/5/2010.

The application has been amended as follows:

In claim 1, delete the first three lines and replace with:

--A flexible rod system for use in a spinal fixation device comprising:

a first pedicle screw and a second pedicle screw;

a flexible rod mounted between the first pedicle screw and the second pedicle screw such that the flexible rod limits movement of a first vertebra relative to a second vertebra, the flexible rod comprising: --

In claim 15, insert --including a first bone anchor-- after "a first bone coupling assembly" in line 2.

In claim 39, insert --including a first bone anchor-- after "a first bone coupling assembly" in line 3, and insert --including a second bone anchor-- after "a second bone coupling assembly" in line 4.

Art Unit: 3733

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY HOFFMAN whose telephone number is (571)272-5566. The examiner can normally be reached on Monday-Thursday 10:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo C. Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mary C. Hoffman/
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